

REMARKS

Claims 2, 7-10, 18-34 and 36 are cancelled. New Claims 37- 53 are added.
Accordingly, Claims 1, 3-6, 11-17, 35 and 37-53 are pending.

Amendment to the Specification

The specification has been amended to claim benefit of previously filed applications.

Objections to the Claims

The Examiner objected to Claims 15, 16, 17 and 32-34 because "said claims refer to structures which are not in the claims themselves but are provided separately at the end of the application." (Office Action page 2, paragraph 2.)

Claims 15, 16 and 17 have been amended to include the structures as suggested by the Examiner. Claims 32-34 have been cancelled. Thus, the objections have been obviated.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 15, 16, 32 and 33 have been rejected because of the term "lower alkyl."
(Office Action page 2, paragraph 3.)

The phrase "lower alkyl" has been deleted from Claims 15 and 16. Claims 32 and 33 have been cancelled. Accordingly, this rejection has been obviated.

Rejection under 35 U.S.C. § 103

Claims 1-36 have been rejected under 35 U.S.C. §103 as being unpatentably obvious over U.S. Patent No. 5,929,055 (Ryan et al.). (Office Action page 5, paragraph 4.)

On page 3, fourth full paragraph, of the Office Action, the Examiner states that “it is clear that method Claims 1-17 and 35 have support in the provisional application (60/102,056) and are thus entitled to the filing date of September 28, 1998. The Ryan et al. patent is therefore properly excluded under U.S.C. § 103(c).” Applicants have now amended the specification to indicate a claim of priority to such provisional application.

Claims 18-34 and 36 have been cancelled.

Accordingly, these objections have been obviated.

Rejection under 35 U.S.C. § 102

Claims 1, 7, 8, 14, 16, 18, 24, 25, 31, and 33 have been rejected under 35 U.S.C. §102 as being anticipated by HCAPLUS Online Abstract DN 76:30596 (1972) by Smirnov (Smirnov). (Office Action pages 6-7.)

Independent Claim 1 has been amended to incorporate Claim 2. That is, Claim 1 has been amended to recite a non-antimicrobial tetracycline. Claim 14 has been amended to depend from amended Claim 1. Claim 16 also depends from amended Claim 1. Claims 7, 8, 18, 24, 25, 31 and 33 have been cancelled. Accordingly, withdrawal of these rejections is respectfully requested.